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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/588,027	08/02/2006	Juergen Schorn	028987.56655US	9212
23122	7590	11/06/2009		
RATNERPRESTIA P.O. BOX 980 VALLEY FORGE, PA 19482			EXAMINER PHILLIPS, FORREST M	
			ART UNIT	PAPER NUMBER
			2832	
			MAIL DATE	DELIVERY MODE
			11/06/2009	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/588,027	<b>Applicant(s)</b> SCHORN ET AL.	
	<b>Examiner</b> FORREST M. PHILLIPS	<b>Art Unit</b> 2832	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 14 October 2009.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 7-9, 11-14, 16 and 17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 7-9, 11-14, 16 and 17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 7-9, 12-13, 14, 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Marocco (US2004050618) in view of DE 20115656 (herein after DE'656) and Arthur et al (US4689952).

With respect to claim 7 Marocco discloses double flow exhaust system for an internal combustion engine comprising:

Two exhaust carrying pipes (532 a and b respectively in figure 16) that are configured to receive gases produced by the internal combustion engine,

at least one muffler and catalyst housing (refer to figure 8 for illustration of catalyst housing) associated with each exhaust gas carrying pipe, each muffler including at least two ports extending therefrom, wherein each port of a muffler is provided for either receiving exhaust gases from another muffler or directing exhaust gases out of the muffler (that is port associated with cross pipes 520 and ports associated with exiting the gas, 534 a and b respectively),

a first mountable connection pipe (530) for fluidically connecting the mufflers of the exhaust gas-carrying-pipes, a second mountable connection pipe (530) for fluidically connecting the mufflers of the exhaust gas carrying pipes, wherein the second

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removably mountable connection pipe includes two ports, each port of the second removably mountable connection pipe being configured to be mounted to a port of a respective muffler to muffler noise created by the internal combustion engine.

While Marocco does not disclose expressly wherein the connection pipes are removably mounted, it would have been obvious to one of ordinary skill to make the pipe removable, sine it has been held constructing a formerly integral structure in various elements involves only routine skill in the art. *Nerwin v. Erlichman*, 168 USPQ 177, 179.

Marocco does not disclose wherein the first connection pipe for fluidically connecting the mufflers is a T-pipe that includes two inlet ports that are oriented along a common axis and an outlet port that is substantially perpendicular to the common axis of the inlet ports, each inlet port of the first removably mounted connection pipe being configured to be removably mounted to a single port of a respective muffler to receive exhaust gases from the muffler and said outlet port being configured to discharge the exhaust gases to a location outside the internal combustion engine.

De '656 discloses a connection pipe including at least two inlet ports and an outlet port (see figure 1) each inlet port being configured to be mounted to a single port of a respective muffler, said outlet being configured to discharge the exhaust gases to a location outside of the internal combustion engine.

Arthur discloses a T-pipe connection between exhaust lines (that is the exhaust manifold combines exhaust flows such that the outer two cylinders (see ports 34 and 36

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in figure 2) flow together along a common axis and exit from a third pipe that is substantially perpendicular to the common axis).

At the time of the invention it would have been obvious to one of ordinary skill in the art to combine the teachings of Arthur to use a T-pipe configuration to combine the exhaust flows of the mufflers of Marocco as modified to provide a balanced flow in a small space.

With respect to claims 8 and 13 Marocco as modified further discloses wherein the T-pipe (as taught by DE '656 and Arthur) includes two connecting pieces, each of which includes one of the inlet ports (as taught by DE 656) connectable with a respective muffler, and a third connecting piece that defines the outlet port (inlets 12a and 12b in figure 1, outlet 20 in figure 1 of DE 656) and is usable as a discharge for exhaust gases to outside the engine.

With respect to claims 9 and 14 Marocco as modified further discloses wherein a tail pipe cover is mountable on the third connecting pipe. As the third pipe as taught by DE '656 is a tail pipe, as it is after the mufflers, and is shown as a standard pipe, that is to say a circular pipe, a tail pipe cover would be mountable on the pipe, tail pipe covers are well known in the art.

With respect to claim 12 Marocco further discloses wherein a catalyst is provided for each exhaust line and is partially integrated or received in a muffler housing (see figure 17, and refer also to abstract).

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With respect to claim 17 The method steps of providing components and connecting them are implicit in the product structure taught by Marocco as modified.

2. Claims 11 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Marocco (US2004050618) in view of DE 20115656 (herein after DE'656) and Arthur (US4689952) as applied to claims 10 and 15 above, and further in view of Nording (US5907134).

With respect to claims 11 and 16 Marocco as modified discloses a double flow exhaust system according to claims 7 and 13.

Marocco as modified fails to disclose wherein the second connecting pipe includes a joint sliding sleeve that is configured to be coupled to a single port of each muffler.

Nording discloses, an exhaust pipe, comprising connecting pieces that are aligned and coverable by a joint sliding sleeve (16 in figure 1).

At the time of the invention it would have been obvious to one of ordinary skill in the art to combine the teachings of Nording to use a joint sliding sleeve connection with the second connecting pipe of Marocco as modified to provide a sealed joint that allows for thermal expansion and misalignment.

### ***Response to Arguments***

Applicant's arguments with respect to claims 7, and 17 and depending, have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to FORREST M. PHILLIPS whose telephone number is (571)272-9020. The examiner can normally be reached on Monday through Friday 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Elvin Enad can be reached on 57127221990. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/F. M. P./  
Examiner, Art Unit 2832

/Jeffrey Donels/  
Primary Examiner, Art Unit 2832